

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Vernon Spence,

Plaintiff,

v.

Case No. 2:19-cv-4805

Judge Dale A. Crawford,
et al.,

Defendants.

ORDER

This is a civil rights action brought by plaintiff Vernon Spence, an Ohio inmate, against Judge Dale A. Crawford, Assistant Franklin County Prosecutor James Lowe, and Attorney Gerald Sunbury. On November 13, 2019, the magistrate judge issued an order (Doc. 5) which directed plaintiff to pay the filing fee or an application to proceed in forma pauperis within thirty days, and advised him that his failure to do so would result in dismissal of his action for want of prosecution. Plaintiff failed to pay the filing fee or to file an application to proceed in forma pauperis. On December 18, 2019, the magistrate judge issued an order (Doc. 9) directing plaintiff to show cause within thirty days why he had failed to pay the filing fee or an application to proceed in forma pauperis. Plaintiff was advised that his failure to respond to the order would result in a recommendation that this action be dismissed without prejudice. Plaintiff failed to respond to this order.

This matter is before the court for consideration of the January 23, 2020, report and recommendation of the magistrate judge, which recommended that plaintiff's claims be dismissed without prejudice for want of prosecution. The report specifically advised plaintiff that objections to the report and recommendation

were due within fourteen days, and that the failure to object to the report and recommendation "will result in a waiver of the right to have the District Judge review the Report and Recommendation de novo" and would also operate "as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 12, p. 2. The time period for filing objections to the report and recommendation has expired, and no objections to the report and recommendation have been filed.

Accordingly, the court adopts the report and recommendation (Doc. 12). This action is dismissed without prejudice for failure to prosecute.

Date: February 21, 2020

s/James L. Graham
James L. Graham
United States District Judge